

Superior Court
of the
State of Delaware

Jan R. Jurden
Judge

New Castle County Courthouse
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March 4, 2009

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**Re: Refugio Cano Pena, Individually and as Representative of the
Estate of Patricia Lopez Nares, Deceased and Next Friend of
Adrian Cano Lopez, a minor, and Denise Cano Arenas,
Individually, as Next Friend of Nahi Adrianna Arenas, a minor,
and as Heir to the Estate of Patricia Lopez Nares, and Eric Cano,
Individually and as an Heir to the Estate of Patricia Lopez Nares
v.
Cooper Tire & Rubber Co., Inc. and Ford Motor Company
C.A. No. 07C-06-059-JRJ**

Dear Counsel:

On page 25 of “Defendants’ Opening Brief in Support of Joint Motion to Dismiss on the Grounds of Forum Non Conveniens,” defendants state, “...the average time for resolving cases [in Superior Court] has increased from 427.2 days in 2006, to 1,576.2 days in 2007....”

Please note that the average time for resolving cases in 2008 was 475.3 days. The 1,576.2 day average for 2007 is an aberration, caused by two events. First, as you know, there was a special call of the asbestos calendar in January, 2007 which resulted in the dismissal of 483 asbestos cases. Several of the cases dismissed were filed in 1978, 1982, and 1986. All of the dismissed cases were over two years old. These old asbestos cases skewed the average in 2007. Second, in March, 2007 the two year dormant docket expired for the asbestos cases placed on that docket, resulting in the disposal of 866 asbestos cases.

Given this, the 2008 number is a more accurate average.

Very truly yours,

Jan R. Jurden
Judge

JRJ:mls

cc: Prothonotary